

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: DAYN HARDIE
DEPUTY ATTORNEY GENERAL**

DATE: OCTOBER 8, 2021

SUBJECT: ROCKY MOUNTAIN POWER'S APPLICATION FOR APPROVAL OR REJECTION OF AN ENERGY SALES AGREEMENT WITH AMY FAMILY HOLDINGS, LLC; CASE NO. PAC-E-20-18.

On December 3, 2020, Rocky Mountain Power (“Company”) filed an Application seeking approval or rejection of an amendment to extend for one-year an existing Energy Sales Agreement (“ESA”) the Company has with Amy Family Holdings, LLC (“Seller”) to allow the parties to secure a stand-alone interconnection agreement replacing the interconnection provision in the existing ESA. The Company reasoned that if the ESA was not extended or renewed it would expire on December 31, 2021.

After the Company filed its Application to extend the ESA’s term by one-year, the Seller significantly progressed on the new interconnection provisions to the point the Company became confident the Seller could complete the required interconnection before the energy sales agreement expires, thus negating the need for the one-year extension. On March 10, 2021, the Company filed an unopposed motion for stay with the goal of allowing the Seller to complete the new interconnection provisions.

On March 25, 2021, the Commission granted the Company’s motion to stay this case. Order No. 34971. The Commission required that if the Seller had not completed interconnection by October 15, 2021, the Company would need to seek continuance to allow the Commission to fully process the case by December 31, 2021.

On September 23, 2021, the Company filed an unopposed motion to lift stay (“Motion”) requesting the Commission consider its Application and issue a final order by

December 31, 2021 because the transmission upgrades necessary for the long-term power purchase agreement will not be completed until May 2022. The Company states “the existing contract must be extended so the Seller can maintain its current interconnection rights until the transmission upgrades are complete.”

STAFF RECOMMENDATION

Staff recommends the Commission grant the Company’s Motion and issue a Notice of Modified Procedure establishing a November 22, 2021 public comment deadline and a November 29, 2021 Company reply deadline.

COMMISSION DECISION

Does the Commission wish to grant the Company’s Motion and issue a Notice of Modified Procedure establishing a November 22, 2021 public comment deadline and a November 29, 2021 Company reply deadline?



Dayn Hardie
Deputy Attorney General